

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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Secretary

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Commissioner

March 5, 2010

CERTIFIED MAIL

Mr. William Thibeault
New Ventures Associates, LLC
85-87 Boston Street
Everett, Massachusetts

Re: NEWBURYPORT – Solid Waste/COR
Crow Lane Landfill
FMF # 39545
Stand-by Trust Account - Funding

Richard A. Nylen Jr, Attorney at Law
Lynch, DeSimone & Nylen, LLP
12 Post Office Square
Boston, MA 02109

Dear Mr. Thibeault and Mr. Nylen:

As you know, 310 CMR 19.051(2)(a) requires that New Ventures Associates, LLC ("New Ventures") establish and continuously maintain a financial assurance mechanism ("FAM") that is adequate to assure the Massachusetts Department of Environmental Protection ("MassDEP") that New Ventures is at all times financially capable of complying with the closure and post-closure requirements of 310 CMR 19.000. On October 20, 2003, pursuant to 310 CMR 19.051(12)(a) New Ventures established the required FAM in the form of a Corrective Action Trust Fund (the "Standby Trust Account") for the performance of closure and post-closure maintenance of the Crow Lane Landfill in Newburyport, Massachusetts (the "Landfill").

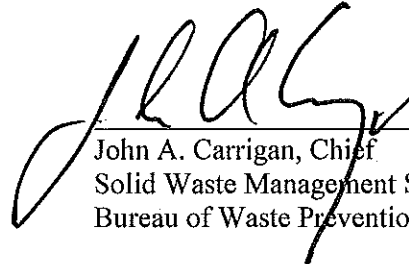
Pursuant to 310 CMR 19.051(2),6(a), New Ventures is required to revise the closure and post-closure maintenance cost estimate annually and to every second year submit the revised cost estimate, with a detailed explanation of its method of calculation, to MassDEP. If the revised closure and post-closure maintenance cost estimate exceeds the funds available in the existing FAM by more than ten percent (10%), 310 CMR 19.051(7) requires that New Ventures increase the existing FAM or establish an additional FAM in an amount sufficient to cover the difference between the existing FAM and the revised cost estimate.



In 2006, New Ventures provided MassDEP with revised closure and post-closure maintenance cost estimate proformas that estimated landfill post-closure costs to be \$4,478,400. The current balance in the Standby Trust Account is \$2,730,252.

The Standby Trust Account is not adequately funded to cover post-closure costs and has not been properly maintained in violation of 310 CMR 19.051(2)(a) and 310 CMR 19.051(7). New Ventures is also in violation of 310 C.M.R. 19.051(6) by failing to provide revised estimates that fully and adequately estimate closure and post-closure costs and the amount of increase necessary to fully fund the Standby Trust Account. To return to compliance, properly fund and maintain the Standby Trust Account.

Sincerely,



John A. Carrigan, Chief
Solid Waste Management Section
Bureau of Waste Prevention

JAC/MD/md

Cc: Mayor Donna Holaday
60 Pleasant Street
Newburyport, MA 01950

Robert Bracey, Director
City of Newburyport
Health Department
60 Pleasant Street
Newburyport, MA 01950

Mary Reilly, Administrator
City of Newburyport
Conservation Commission
60 Pleasant Street
Newburyport, MA 01950

Senator Steven A. Baddour
State House
Boston, Massachusetts

Representative Michael A. Costello
State House
Boston, Massachusetts

Michael Quatromoni
SITEC Environmental, Inc
769 Plain Street - Unit C
Marshfield, MA 02050

Michael Dingle, MassDEP/OGC-Boston (by email)

Matthew Ireland, Office of the Attorney General, Boston, MA (by email)

Eric Fahle DEP/Boston – BWP

CERTIFIED MAIL: 7009 2250 0001 5078 7056 (Thibeault)

7009 2250 0001 5078 7063 (Nylon)